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THE IRAQ COMMUNIST PARTY
AND THE QUESTION OF LEGALIZATION

8 March 1961

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THE IRAQ COMMUNIST PARTY AND THE QUESTION OF LEGALIZATION

1. Introduction. The efforts of the Communist Party of Iraq to gain legal recognition and to be given, as a matter of right, positions in the Iraq government (particularly in the cabinet) have, ever since the July 1958 revolution, been conditioned by the policy of the Qasim-dominated government on the role of political parties in the country. This policy has changed on a number of occasions, and in this examination of the party's tactics at various times it is important, therefore, to keep clearly in mind the government policy at the times in question. In broad outline, the government policy went through the following phases.

a. July 1958-March 1959. Under the terms of the provisional constitution the government was committed generally to an eventual recognition of political parties, but no specific date or set of conditions under which the problem of recognition would be taken up was defined. This constitution was drawn up in 1958 with the help of 'Abdallah Isma'il Bustani, brother of the Communist Party leaders 'Abd-al-Qadir and Yusuf Isma'il Bustani and himself a Communist sympathizer.

b. April 1959-14 July 1959. During these months Qasim was committed to an indefinite postponement of the recognition of political parties.

c. Beginning on 14 July 1959 Qasim publicly committed himself to the licensing of political parties by 6 January 1960, and this commitment was honored. The struggle over the legalization of the Moscow-recognized Communist Party of Iraq began, then, in January 1960 and has continued to the end of 1960.

2. From the time of the 14 July 1958 revolution to the early part of 1959, the Communist Party of Iraq (CPI) consistently called for the right of "patriotic" political parties to be officially recognized as such. During this period the CPI, as well as other patriotic parties, was able to maintain a semi-legal existence and was largely unrestricted by the Iraqi government. While official recognition did not come during this time, the government did license the CPI's official newspaper, Ittihad al-Sha'ab, which began publishing on 25 January 1959; and it also began to license a number of already operating Communist-front associations, organized on a functional basis, in a process apparently similar to that which the CPI wanted for political parties.

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3. Following the demonstrated Communist support to the government in the suppression of the March 1959 Mosul uprising, the CPI stepped up its demands on the Qasim regime, especially for participation in the government. This had the effect of alienating the other patriotic political parties--the National Democratic Party (NDP) and the United Democratic Party of Kurdistan (UDPK)--from the CPI and of drawing out the following statements from Premier Qasim specifically opposing political party activity during the Republic of Iraq's transition period: "Party affiliations at this time are of no benefit to the country" (30 April); "We do not welcome the establishment of party activities at this stage" (14 May); and "For the time being I don't want parties" (23 May). The CPI tried to argue that these statements did not prohibit political party activity as such but was especially hard put to it after the NDP announced the "suspension" of its political activities in compliance with the premier's wishes on 20 May 1959, a move later duplicated by the UDPK. The subsequent adherence of sections of these two parties to the Communist-sponsored United National Front (May-June 1959) revealed the existence of CPI factions in them. CPI pressure on the government built up steadily until early July.

4. Premier Qasim, in his speech of 14 July 1959, marking the first anniversary of the Iraqi revolution, stated that "by next Army Day, January 6, we will be celebrating the licensing of political parties." This statement was immediately given a wide and favorable play by Ittihad al-Sha'ab; but either the Qasim move came too late or the CPI was unable to call a halt to its next operation--the Kirkuk massacre, which occurred on the same day, 14 July. The complicity of Communist and pro-Communist elements in provoking and carrying out the Kirkuk massacre may well have been the main cause of the later exclusion of the regular CPI from the benefits of party recognition. In any case, the second half of July 1959 saw the occurrence of several events which in retrospect seem significant in the government's later campaign against the regular CPI organization. First, the CPI held an enlarged Central Committee meeting, which, while criticizing the more leftist actions of the party during the period from the Mosul uprising to the Kirkuk massacre, apparently did not suspend or expel any of the party leaders who could have been held accountable for those actions. Second, the government issued a license for the newspaper al-Qaida to Salam 'Abd-al-Ghani Shalabi, a Communist who was reported to have favored suspension of CPI activities in May 1959. He was later reported to have been expelled from the party in July 1959. Third, Communist leader Da'ud Sayigh, during a trip to Lebanon at this time, privately stated his criticisms of the "adventurist" leadership of the CPI and gave unqualified praise of Premier Qasim.

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5. The first indication of the Iraq government's strategy on the CPI came in mid-September 1959 with reports that the premier told one of his most trusted cabinet ministers that the Iraqi Communists would not be licensed after January 6 unless they changed their leadership. The propaganda line later used in the anti-CPI campaign first appeared in a pamphlet issued by the editorial staff of al-Qaida on 21 November 1959, which singled out Salam Adil (CPI secretary general Husayn Radi) for special censure, criticized his "clique" for "adventurist" policies and for not paying sufficient heed to the conditions obtaining in post-revolutionary Iraq, and praised 'Abd-al-Karim Qasim. Da'ud Sayigh's newspaper al-Mabda also made its first appearance on 21 November. It took a somewhat milder line, naming no names but at the same time calling for tailoring Communist actions in Iraq to the situation in that country. Shalabi, the al-Qaida editor, was reported to be cooperating with the Sayigh group; furthermore, the al-Mabda venture was given almost open financial and moral support by Premier Qasim.

6. It was reported in late December 1959 that a Communist Party of Iraq under Da'ud Sayigh would be licensed after 6 January and that this would be the only Communist party so legalized. On 1 January 1960 the Law of Associations No. 1 was promulgated, declaring the right of organization into political parties for all "loyal citizens" (see attachment). On the morning of 9 January the main group of Communists, associated with the newspaper Ittihad al-Sha'ab, submitted an application for a party license, and in the afternoon of the same day Sayigh's splinter Mabda group did likewise, both groups applying under the name of "the Communist Party of Iraq." On 16 January, however, an interview was made public in which Premier Qasim told Da'ud Sayigh that there must be only one Communist Party.

7. During the month of January there followed a knock-down-and-drag-out press battle between al-Mabda and Ittihad al-Sha'ab, in which the former accused the latter of "extreme leftist deviationism" while the latter accused the former of "subversion" and "opportunism." Highlights of this campaign were Ittihad al-Sha'ab's 12 January "expose" of Da'ud Sayigh's party history and al-Mabda's 31 January blast, which singled out Husayn Radi, Amir 'Abdallah, and Jamal Haydar al-Haydari as being the chief leftist culprits.* But in spite of the dispute there was still

*While al-Mabda accused the Ittihad group of "left deviationism" it also attacked Salam 'Abd-al-Ghani Shalabi for "right deviationism." Earlier allegations of Sayigh-Shalabi cooperation and the 19 February 1960 publication in al-Mabda of Shalabi's letter disclaiming any deviationist tendencies suggest, however, that this attack may have originated with some member of the Ittihad fraction still within Sayigh's organization. In any event, Shalabi thereafter receded into the background.

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substantial agreement between certain key Communists affiliated with both Ittihad al-Sha'ab and al-Mabda at least until mid-January. It is significant that Radi, 'Abdallah, and Haydari are the three Communist leaders said to be especially repugnant to Premier Qasim; on the other hand the Ittihad faction leader on whom the premier was said to be exerting pressure to bring about the unification of the two Communist groups during the latter half of January was not any of these three but Politburo member 'Abd-al-Qadir Isma'il Bustani. Husayn Radi, who had been the chief public spokesman of the CPI during February-March 1959, was replaced by Zaki Khayri, who was fulfilling that function in January-March 1960.

8. The most important development in the battle of January was the defection of founding members from Da'ud Sayigh's CPI, first revealed by Ittihad al-Sha'ab on 14 January, when it published the letters of resignation of six of the twelve founders of the Sayigh group. By 1 February two or three more had apparently defected from the Mabda group, and this trend continued into early February, all clearly showing the extent of Ittihad infiltration into the Sayigh party.

9. Al-Mabda, on 3 February, and Ittihad al-Sha'ab, at least by 4 February, admitted that unity discussions had taken place between their Communist parties on 1 February. From these accounts it appears that the negotiations had failed, because, among other reasons, of Sayigh's insistence that Husayn Radi, Amir 'Abdallah, and Jamal Haydar al-Haydari be removed from positions of Communist party leadership. This same issue of al-Mabda for the first time listed twelve founding members of its Communist Party of Iraq.* Just as in the case of the January listing, Ittihad al-Sha'ab on 4 February published the notice of the withdrawal of a number of these founders (in this case eight) from the petition for licensing.

10. On 6 February the government made its first open move to hinder the operation of the regular CPI, when the Minister of the Interior replied to its application by requesting "amendments and additions" to the party regulations. Specifically, he asked that the word "revolutionary" be deleted in describing the party, that the regulations indicate that a two-thirds vote of the party members be necessary to amend the party

*The January listing of Sayigh's CPI founders appeared in al-Istiqlal, not al-Mabda.

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regulations, that the minimum number of Central Committee members be indicated, that the founding members sign the application, that clarification of the phrase "national charter" in describing the party program be given, and that clarification also be given to the expression "Marxism-Leninism." The orthodox CPI did made the amendments called for in a submission to the Ministry of the Interior on 8 February. That the government's action was basically one of obstruction, however, was shown by the late date of its action, only three days before the end of the thirty-day waiting period required by law between the submission of the petition and the automatic legalization of the party in the absence of any contrary action on the part of the Ministry of the Interior. Meanwhile, since the government made no such objection to affiliation of the CPI splinter group of Da'ud Sayigh, that faction was automatically legalized under the name "Communist Party of Iraq" on 9 February.

11. Confronted by the Qasim statement that not more than one Communist Party would be licensed in Iraq, the orthodox group, on 14 February, submitted a request to the Minister of the Interior that the name "Ittihad al-Sha'ab (People's Unity) Party" be substituted for "Communist Party of Iraq" in its application. On 22 February, however, the Minister of the Interior rejected the request and the application of this group on the following grounds: the name of the party could not be legally changed as this involved changing the inner rules of the party and this could not be done; neither could the party be licensed under the name "Communist Party of Iraq," since another party under that same name had already been licensed; and since the stated aims and objectives of the Ittihad group were nearly identical to that of the already licensed CPI, granting of an additional license to it would not conform to the "spirit" of the law. The letter of rejection also notified the Ittihad group of its right to submit an appeal to the decision to the Court of Cassation within fifteen days. Thirteen days later, on March 7, the Ittihad Communists submitted an open letter to Premier Qasim, appealing to him as a better authority than the Court of Cassation on the matter of party licensing. As far as we can determine, no reply was forthcoming.

12. Parallelling the action of the Ittihad party, a group of Communist (Ittihad) front personalities on 10 or 11 February submitted an application for the licensing of a "Republican Party." This petition was also finally rejected by the Minister of the Interior, on 1 April 1960, and the RP founders, like the Ittihad petitioners, followed this up by a letter of appeal to the prime minister. Aside from joint participation in Communist front organizations and strong Ittihad al-Sha'ab protests over the rejection of the Republican Party license, the closeness of the two

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parties was shown by the fact that 'Abdallah Isma'il Bustani more or less generally admitted that he and Aziz Sharif were important members of the new party even though they had not signed the petition for licensing. These two are, respectively, brothers of 'Abd-al-Qadir Isma'il Bustani and 'Abd-al-Rahim Sharif, signers of the Ittihad petition.

13. Whereas Ittihad al-Sha'ab strongly criticized the Minister of the Interior from February 10 onward over the licensing matter, the only open Communist criticism of Iraqi officials on the matter during early 1960 appeared in a l'Unita (CP Italy) article of 5 March and in East Berlin broadcasts, also in early March. The Chinese Communists harrassed the Iraqi embassy personnel in Peking ever since the final refusal of the Ittihad license was announced on 24 February, and by early March both the Soviet and Chinese ambassadors in Baghdad were said to have been annoyed by the Iraqi government's action in the matter. International Communist comment on Da'ud Sayigh and his CPI was more forthright. Beginning by merely carrying news of the Ittihad group while ignoring Da'ud Sayigh (Sofia broadcast of 10 February; Soviet press on 13 February), the Communist bloc increased its news coverage by replaying Ittihad al-Sha'ab articles attacking Sayigh and his group (New China News Agency dispatch of 16 February; Soviet press 18-23 February) and even attacking Sayigh directly as a "renegade" (Bratislava broadcast of 16 February; New China News Agency dispatch of 24 February).

14. During the next two months it appears that both Premier Qasim and Soviet representatives were engaged in efforts to bring about some sort of accommodation between the Ittihad party and the legal Communist party. In early March the newspaper al-Ta'adun announced that 'Abd-al-Wahhab Mahmud, Iraq's ambassador to Moscow who had just arrived in Baghdad, served as a mediator in discussions between the two Communist groups but that the discussions broke down when the Ittihad group failed to agree to the removal of Radi, 'Abdallah, Haydari, as well as Sayigh from their positions of leadership until a party congress could be held. It was not clear here how the newspaper learned that Mahmud, a prominent Communist sympathizer, brought guidance from Moscow, but the facts appear well established. While Ittihad al-Sha'ab denied on 9 March that any such discussions had taken place,* al-Mabda on the same day admitted that during these discussions the Sayigh group refused to have its leader step down.

*On 20 May, however, Ittihad al-Sha'ab stated that unity discussions had in fact taken place at this time.

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15. Anastas Mikoyan, at his final Iraqi press conference, on 16 April 1960, publicly asked the local Communists why they were always differing. After this, the al-Mabda-Ittihad al-Sha'ab press battle subsided. Al-Mabda on 20 May reported that new discussions between the two Communist factions had taken place on 28-29 April, but this was denied by the Ittihad al-Sha'ab issue of the same day. It was reported on 3 May that Qasim called in Zaki Khayri and Baha-al-Din Nuri to his office and promised to remove Sayigh from a position of influence in the Communist movement if they would negotiate with Sayigh and agree to dump Radi, 'Abdallah, and Haydari. Al-Tagadum reported on 9 May that a meeting took place between Baha-al-Din Nuri and the Sayigh group, while al-Mabda on 10 May headlined a meeting that had taken place between Sayigh, Khayri, and Nuri. The possibility that the premier was attempting to use latent factionalism is suggested by reports that Kahyri and Radi are in fact rivals for the top Ittihad post and that Nuri and Haydari are that party's two top Kurds and in competition for Kurdish Communist leadership.

16. These mediation efforts to bring the regular CPI minus three of its leaders to unite with the already licensed CPI headed by Da'ud Sayigh failed; so the government continued in its attempts to build up the latter and tear down the former. In spite of continuing defections from the already miniscule official CPI--al-Mabda on 5 May announced the expulsion of five more founding members for sabotage activities--the Minister of the Interior on 11 May granted a six-month extension of the time by which a party congress had to be held.* Nine months after its license was granted, on 9 November 1960, the CPI did hold a congress, but it was clear to all that the organization thereby regularized was not by any stretch of the imagination the real Communist Party of Iraq. Meanwhile, the sole legal activity of the regular CPI, the publication of Ittihad al-Sha'ab, was gradually being disrupted by various governmental authorities. By 1 June 1960 the paper had been banned from the seven southern provinces by the commanding officer of the First Division, who had control over the area; similarly, on 5 July 1960, the commander of the Third Division banned the sale of the paper from the central provinces under his jurisdiction. Finally, in late September 1960, the Second Military Court suspended the publication of Ittihad al-Sha'ab for ten months, beginning 1 October 1960, for violating the press law by discussing court cases in the process of being tried.

*The extension was requested by the Sayigh group, which apparently was holding frantic discussions with the Ittihad group in an attempt to secure enough members to hold a party congress, originally required by the government by 9 May if the CPI license were not to be forfeited.

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17. 'Abd-al-Qadir Isma'il Bustani appeared in court on 27 November 1960 in connection with the Ittihad al-Sha'ab case, but failed to do so again when summoned for 27 December. As of mid-December, Bustani, Amir 'Abdallah, and one other member (unnamed) of the Ittihad Central Committee were being sought by the Iraqi government for detention. In early January 'Abdallah was said to be in hiding in the Bulgarian embassy.

18. Meanwhile, the conference of Communist parties in Moscow in October and November 1960 finally decided that it was necessary for the movement to insist that national liberation regimes be "national democracies," and that this label could be applied only to governments which gave Communist parties and front organizations freedom, political recognition, and a chance to express their own demands even when they conflicted with government programs. The final declaration not only included this idea, but condemned the actions of the governments of Iraq and the UAR in imprisoning and persecuting "loyal" Communists. Pravda on 4 November 1960 criticized the Iraqi government's treatment of Communists and other "patriots," specifically referring to the case of 'Abd-al-Qadir Isma'il, in an article rebroadcast over Radio Moscow on 6 November. In early February 1961 the Literary Gazette (Moscow), Rude Pravo (Prague), Ny Dag (CP Sweden), and the WFTU Executive Committee all criticized the Iraqi government for its anti-Communist activities, though none had as yet attacked Premier Qasim directly.

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Iraqi Review, 18 Jan 1960

LAW OF PARTIES AND ASSOCIATIONS

On Friday night, 1st of Jan. 1960, Premier Kassim held a Press Conference in which he promulgated the new Law for Associations and Parties, according to which the political parties will be licensed on the Army Day, the Sixth of this month. This starts to be effective as from Jan. 6th.

The law regarded the parties as "associations of political aim," and thus be subject to the provisions of this law.

1. Must not contradict the independence of the country and its national unity.
2. Must not contradict the Republican system.
3. Must not contradict the requisites of the democratic ruling system.
4. Must not aim to sow dissension or discord among the various Iraqi nationalities, religious communities or groups.

The means which the association should seek were stated by the law. "The association must endeavour to accomplish its aims through peaceful democratic means in accordance with the rules of the Constitution and the valid laws."

Any contravention of these provisions would entitle the Minister of Interior to demand the disbandment of the association. The final decision of disbandment rests, however, with the High Court of Appeal.

The associations can get their license by presenting their application to the Minister of Interior signed by ten founding members (in case of the parties, the application must be supported by fifty persons who are fit to be members of the party). When thirty days pass on the application of the request, the association is regarded as licensed provided that the Minister of Interior does not make an objection within this period. The Minister of Interior has the right to demand the amendment of the constitution of the association or object to some of its founding members. In case of a dispute takes place, the final decision rests with the high Court of Appeal.

The law stipulated that founding members must call for a general meeting within three months of licensing the association and must conduct the elections of the various committees at the presence of a judge. The results of the election should be communicated to the Minister of Interior.

The law provided that the association has the right to form branches in the provinces of Iraq provided it gets the consent of the Governor of that province. The Governor only has the right to object in cases when the request conflicts the constitution of the association or when the members of the branch do not have the constitutional requisites. The decision of the Governor can be resumed with the High Court of Appeal.

Furthermore, the law provided that associations of similar aims can merge into a general association on decision of their general committees.

The law stated that "no association is permitted to join or participate in an association, club or any establishment whose headquarters are outside Iraq without the permission of the Minister of Interior".

The law stated that "general committee of the association has the right to decide the disbandment of the association." Moreover, "The association may be disbanded by a decision of the Court of First Instance on a request presented by the Minister of Interior or the one whom he authorises," in cases that the association failed to function its activity after one year of its licensing or ceases its activity for one year without reasonable justification; in case it contravened conditions in aims; in case it kept explosives or firearms in its headquarters; or in case it failed to fulfil its pledges. This decision can, however, be resumed with the High Court of Appeal whose decision will be final.

The law gave additional provisions which are applicable exclusively for the parties. It stated, "Members of the armed forces and those working under their command, the magistrates, the staff of the foreign service, the primary and secondary schools, students and their equivalents, and the heads of the administrative units are not allowed to join any political party and no party is allowed to accept them as members." All others have the right to join any party they liked. The law further demanded that no state functionary is allowed to perform party activity during his official working hour and in his governmental department and that he should be absolutely neutral in treating people on official business. Students are not permitted to perform party activity on the premises of their colleges.

The law stated, "the parties have the right to agree among themselves on common points of political activity and have the right to cooperate within the limits they find fit to accomplish their common aims."

The law further stated, "The party has the right, immediately as it is formed to publish a political newspaper that expresses its opinions" The law stated that the inner rules of the parties must be democratic.